

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

FRANKLIN D. HARRIS,  
Plaintiff

vs

ADVANCE AMERICA CASH  
ADVANCE CENTERS, INC.,  
Defendant

Case No. 1:11-cv-179  
Dlott, J.  
Litkovitz, M.J.

**ORDER**

This matter is before the Court on plaintiff's motion for a telephone conference and to extend the discovery deadline (Doc. 31) and defendant's response thereto. (Doc. 33).

On March 20, 2012, a telephone conference was held before the undersigned magistrate judge in an attempt to resolve the outstanding discovery issues in this case. Plaintiff seeks discovery relating to the individuals hired in the Center Manager, Assistant Manager, and Customer Service Representative positions with defendant between September 18, 2009 and May 25, 2010. Plaintiff asserts he has requested but has not received full discovery, including the job applications, the "89 Question Test," the screening test, race, date of original hire, and position selected for each of the individuals who were ultimately hired for each of the jobs to which he applied. Plaintiff states he received some documents, but that certain documents are virtually illegible and that the quality is poor. Plaintiff also raises concerns with the spoliation of evidence because defendant has alleged that certain documents he requested are no longer available.

Defendant contends it has provided the personnel records for the individuals at issue. However, defendant asserts that not all of the information plaintiff requested is in document form, such as the race of the applicants. Defendant represents that it is willing to provide this

information to plaintiff and has so advised plaintiff. Defendant also states that since the filing of plaintiff's motion, plaintiff has served interrogatories and an additional request for the production of documents to which defendant will respond.

Because plaintiff has recently propounded interrogatories and additional requests for production of documents on defendant which may resolve some of the outstanding discovery issues in this case, it was agreed that the telephone discovery conference with the Court would be continued until May 2, 2012, to give the parties an opportunity to exchange further discovery. In addition, the Court requested that counsel for defendant attempt to secure clear, legible copies of the documents at issue. The Court also agreed to extend the discovery and dispositive motion deadlines in this case pending resolution of the discovery issues.

Accordingly, plaintiff's motion for a telephone conference and to extend the discovery deadline (Doc. 31) is **GRANTED**.

This matter is set for a telephone discovery conference on **May 2, 2012 at 10:00 a.m.** The Court **VACATES** the existing discovery and dispositive motion deadlines. Revised discovery and dispositive motion deadlines shall be scheduled following the May 2, 2012 conference.

**IT IS SO ORDERED.**

Date:

3/21/12

  
Karen L. Litkovitz  
United States Magistrate Judge